

Minutes of the Planning Commission meeting held on Thursday, September 2, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Sheri Van Bibber, Vice-Chair
Ray Black
Tim Taylor
Karen Daniels
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Kurtis Aoki
Jeff Evans

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Mr. Harland opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes from August 5 and August 19, 2010. Seconded by Karen Daniels.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for Little Blue School Preschool/Jared Goddard. Seconded by Sheri Van Bibber.

A voice vote was made. The motion passed, 5-0.

WHISTLE STOP–223 W. Winchester Street–Project #10-106

Bill Green was the applicant present to represent this request. Ray Christensen reviewed the location and request for permanent approval of a Conditional Use Permit for a shaved ice and coffee sales stand at the property addressed 223 West Winchester Street. The property is located within the R-N-B zoning district. The applicant had previously requested a 6 month time extension for a temporary Conditional Use Permit due to the time limitation for completion of the site improvements. The temporary Conditional Use Permit expired July 7, 2010. There is an existing dwelling on the property which will continue as a residential use. The plans show 4 off-street parking stalls which includes one disabled stall to meet ADA

regulations. The ordinance does not have a minimum parking requirement for a shaved ice/coffee stand. The plan shows the structure is setback 20 feet from the north and the east street frontages to meet zoning regulations. The plans show turf grass landscaping and a formal landscaping/sprinkler plan which was approved by the city forester to meet landscaping regulations. Based on the information presented, applications materials submitted and site review, staff recommends approval subject to conditions.

Bill Green, 223 West Winchester Street, stated he has reviewed the staff recommendation and that he has met with the conditions, except for condition #6 requiring the buffer wall. He stated in conversations with his neighbor to the south, it was discovered that there is a sewer and water line along the southern portion of the property and the neighbor is concerned with the water line easement and a buffer wall being constructed on top of that easement. Mr. Green stated he spoke with the city's water superintendent who indicated that the water line belongs to the neighbor and is not a city water line. Mr. Green stated that he will need to establish where exactly the water line easement is located in order to determine the location of the buffer wall. Mr. Green stated that when the water line easement is determined and whether or not the adjacent neighbor is in favor of building on the easement, he will most likely apply to the Board of Adjustment for a variance to not install the buffer wall. Mr. Green stated this business is his livelihood and he wishes to continue having this business open while the buffer wall issue is being resolved.

Jim Harland stated the buffer wall is a zoning requirement and the planning commission must require the buffer wall to be installed unless a variance is granted by the Board of Adjustment.

There were no comments made by the public.

Karen Daniels made a motion to approve the Conditional Use Permit for the Whistle Stop at 223 West Winchester Street subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Meet the landscaping ordinance requirements of Chapter 17.68 of the Murray Municipal Code as approved by the Murray City Forester.
4. Use of a trash container shall be screened as required by Section 17.76.170.
5. The city engineer will require repair of any trip hazards or damaged curb and gutter if not completed.
6. The buffer wall at the south boundary will need to be installed for the full length of the property adjacent to the residential zone.

Seconded by Tim Taylor.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Black
A _____ Mr. Taylor
A _____ Ms. Van Bibber

Motion passed, 5-0.

K.B. ORTHOPEDICS, INC.–24 East 6150 South–Project #10-186

Jon Summerhays was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for wholesale use for orthopedic equipment sales in the existing building at the property addressed 24 East 6150 South. The applicant plans to use the existing building, but desires to construct additional office space within the existing building which was previously used for the Dahle's Investments, Ltd mail order business. The building is located within the C-D-C zone. The floor plan provided for the building shows areas inside with the existing office space, area for new office space, and existing warehouse space for storage of orthopedic supplies. The combined existing and new office areas will contain approx. 1,000 net sq. ft. and there is approx. 3600 sq. ft. in warehouse space. There are 10 parking stalls shown on the site, including one disabled stall to meet ADA regulations, which meets the minimum parking required with a ratio required for office space of 4 stalls per 1,000 sq. ft. and warehouse space requires 1 stall per 750 sq. ft. The existing building meets the required setbacks for the C-D-C zone. The existing property is already landscaped and meets zoning codes. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jon Summerhays, 24 East 6150 South, stated he has reviewed the staff recommendations and will comply.

No comments were made by the public.

Ray Black made a motion to grant Conditional Use Permit approval for K B Orthopedics at 24 East 6150 South subject to the following conditions:

1. The project shall meet all applicable building and fire code standards. The applicant will need to provide plans for the office addition that are stamped and sealed by appropriate design professionals and include a code analysis.
2. The project shall meet all current fire codes.
3. Adequate paved and striped parking stalls shall be maintained, including a disabled stall, will need to be provided for the proposed use to comply with City Code 17.72.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

DISTORTION–150 West 4800 South #7–Project #10-191

Spencer Peterson was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a fabricated metal products business in the existing office/warehouse buildings. The applicant indicated he will use unit #7 in this facility to build fabricated metal products for off road vehicles such as roll cages, tube chassis and other vehicle modifications. The applicant stated he operates the business with no employees. Adequate parking is available to meet the parking requirements for this business use. Parking for the site is an open use lot by all tenants and customers in the office/warehouse development. The total property has approx. 125 parking stalls for office/warehouse uses. This particular unit has a small 130 sq. ft. office and 1370 sq. ft. shop area. The total parking required is 2 stalls for this business use. All the parking stalls on this property shall be paved and striped, including 5 total disabled parking stalls with signs posted, will need to be provided on the total site to meet zoning and ADA regulations. The buildings are existing and meet the setback requirements of the M-G-C zone district. The existing property is landscaped, but any upgrades and changes to the landscaping will require city forester approval to meet Land Use Code Chapter 17.68 requirements. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Spencer Peterson, 150 West 4800 South #7, stated he has reviewed the staff recommendations and will comply.

Ray Black asked if the business manufactures parts mainly for off-road vehicles. Mr. Peterson responded in the affirmative.

Karen Daniels stated this application includes the Owners Certification indicating that they will comply and meet the required conditions. Mr. Peterson concurred.

No comments were made by the public.

Tim Taylor made a motion to grant Conditional Use Permit approval for Distortion located at 150 West 4800 South #7, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.

3. The landscaping on the site shall meet the requirements of Chapter 17.68 of the Murray Municipal Code and be approved by the Murray City Forester.
4. All trash containers on the property shall be screened as required by Section 17.76.170.
5. All of the parking stalls, including disabled stalls with signs posted, shall meet the code requirements of Chapter 17.72.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

LDS CHURCH LITTLE COTTONWOOD STAKE–6410 South 725 East–Project #10-195

Joey Clegg was the applicant present to represent this request. Tim Tingey reviewed the location and request for Conditional Use Permit approval to build a new open pavilion building. Municipal Code Ordinance allows churches and accessory uses within the R-1-8 zoning district subject to conditional use permit approval. The building dimensions will be 56 feet by 25.5 feet and equals 1,438 square feet in size. The building will be open on all four sides. No additional parking will be added. There is no additional parking required for accessory structures in the R-1-8 zone. The existing parking for the church will be sufficient for the pavilion use. The existing structures on the site meet the setback requirements of the zoning ordinance. The proposed pavilion building is an accessory structure and has a setback of 15 feet, meeting all setback standards for an accessory structure in the R-1-8 zone. The site is currently landscaped to meet the zoning ordinance requirements. The proposed pavilion will not change this compliance and no additional landscaping will be added. The applicant has stated that existing tree and root systems will be protected during construction and any disrupted landscaping will be repaired upon completion. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Joey Clegg, representing CD Architects, 9176 South 300 West #18, Sandy, indicated he is representing this application. He stated he has not reviewed the staff recommendation. He took a few minutes to review the staff report. He stated if a geo-technical report is required for a building permit, he will provide one. He stated that he has submitted for a building permit.

Tim Taylor asked if a soils report is required for any structures. Tim Tingey

responded that a soils report is often required by the Building Official and this issue would need to be addressed with the Building Official.

Joey Clegg stated the building calls for 2,000 lbs. per square foot for the footing design. He stated that they have since redesigned their plans for the footings to be 1,500 lbs per square foot and a soils report would not then be required.

No comments were made by the public.

Tim Taylor made a motion to grant Conditional Use Permit approval for the LDS Church Little Cottonwood Stake pavilion at 6410 South 715 East subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The applicant must provide stamped and sealed plans by appropriate design professionals.
4. A soils report from a geo-technical engineer shall be provided as required by the Building Official.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

MT. OLYMPUS TITLE (Public Hearing)–307 & 313 East Winchester–Project #10-185

Gregory Shaw and Tamara Lee were the applicants present to represent this request. Ray Christensen reviewed the location and request for a zoning change from R-1-8 (residential single family) to R-N-B (residential neighborhood business). The applicants have plans of expanding the parking lot for the Mt. Olympus Title business use and adjust the boundary lines after the zone change. The zone change to R-N-B is consistent with the Murray City General Plan. The R-1-8 zone allows single family low density residential to encourage an environment for family life by providing for the establishment of one family-detached dwellings on individual lots. The R-N-B zone allows a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets adjacent to residential neighborhoods. With the Conditional Use Permit approval, uses such as schools, churches, bed & breakfast and delicatessens can be approved by the Planning Commission. The purpose of the General Plan is to provide overall

goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. The General Plan for the subject properties have been identified as residential business which is compatible with other properties in this area. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested zone change because it is consistent with the general plan.

Tamara Lee, owner of Mt. Olympus Title Company, stated that the title company leases the property at 307 East Winchester Street. She stated she is also the co-owner with Greg Shaw of the property at 313 East Winchester Street. Ms. Lee stated she has expanded the rear of the site for more parking. She stated the front parcel is a residential rental and will remain as a residential rental for a few more years, but eventually the home will be used for storage for the title company. Ms. Lee stated she has reviewed the staff recommendations and will comply.

No comments were made by the public.

Ray Black made a motion to send a positive recommendation to the City Council for a zone change from R-1-8 to R-N-B for the properties addressed 307 & 313 East Winchester Street because it is consistent with the Murray City General Plan. Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

BIRKHILL @ FIRECLAY– 32 & 36 West Fireclay Avenue, Units 101 & 101– Project #10-188

Michael Brodsky was the applicant present to represent this request. Ray Christensen reviewed the location and request for an amendment to the Birkhill Phase 1 Building “B” Plat. The property is addressed 32 and 36 W. Fireclay Avenue which is located within the T-O-D zoning district. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by the Mayor with recommendation from the Planning Commission. The project is an adjustment to the common property line between units 101 & 102. The adjustment will bring the property line into conformance with the current tenant space build out. Based on the information presented, application materials submitted and the site review, staff recommends approval subject to conditions.

Michael Brodsky, 308 East 4500 South, Suite 200, Murray, stated the modification is based on the actual leased space and the concept is that as the spaces are leased, they will create a condominium plat that coincides with the lease space. In this case

suite 101 got a little larger. He stated he anticipates that he will be making a few more applications for modifications before the first floor is completed, because this is the process which allows him the ability to sell off individual leased spaces as condominiums. He stated that this process cannot be done on an administrative basis due to the current ordinances.

No comments were made by the public.

Karen Daniels made a motion to send a positive recommendation to the Mayor for approval of boundary changes for the Birkhill Phase 1 Building B, Units 101 & 102 subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

BIRKHILL @ FIRECLAY—41-47 West Gilbride Avenue & 4257-4273 Birkhill Boulevard
—Project #10-189

Michael Brodsky was the applicant present to represent this request. Ray Christensen reviewed the location and request for an amendment to the condo plat units. The proposed revision will decrease the overall number of units, but will increase the size of four of the units and increase the overall number of “live-work” units. The proposal will also vacate two easements dedicated on the previous plat. The actual construction of the buildings will require application for site plan review prior to building permit. The TOD zoning district requires setbacks based on the adjacent street curb. The proposed structures will be reviewed for compliance with setback requirements during the site plan review process. Landscaping in accordance with TOD design standards is required and will be reviewed and approved during the site plan review process. Vehicle access to the units is proposed via the existing parking area to the rear of the proposed units. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general

plan, zoning code and other pertinent documents as it deems necessary. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Michael Brodsky, 308 East 4500 South, Murray, stated that they have made modifications to the building to reflect the input received from their customers as they have been selling the first building. He stated they have 8 of the first 10 units sold. He stated that based on customer input, they have eliminated the smaller end unit because it wasn't perceived as a very desirable unit and also by eliminating a stand alone garage on the end of the unit, they were able to create four new floor plans within the same building. These four new floor plans have live-work space in the front or flex space if on the side of the building, and two-car garages as well. Mr. Brodsky distributed brochures showing the live-work units.

Jim Harland asked the price range of the units. Mr. Brodsky responded the townhome price ranges from \$179,000 to \$240,000. He stated a one-bedroom condominium is \$139,000 and a two-bedroom condominium is \$159,000.

No comments were made by the public.

Karen Daniels made a motion to send a positive recommendation to the Mayor for a condominium boundary change for the Birkhill @ Fireclay Phase 1, 41-47 West Gilbride Avenue & 4257-4273 Birkhill Boulevard, Units 111-121 subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorders Office.
2. The project shall meet all applicable building code standards.
3. The project shall meet all current fire codes.
4. Site Plan review approval will be required prior to issuance of building permits.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

NEIGHBORWORKS (Public Hearing)–4843 South Poplar Street–Project #10-193

Alison Smith was the applicant present to represent this request. Tim Tingey reviewed the location and request for NeighborWorks for a Certificate of

Appropriateness for parking lot improvements associated with a Significant Building within the Downtown Historic Overlay District. Municipal Code Section 17.164.080 outlines the process for review of applications located within the Downtown Historic Overlay District (DHOD). Changes to parking configuration within the DHOD are considered a major alteration and require the issuance of a Certificate of Appropriateness by the Planning Commission, after the project receives review and recommendation from the Design Review Committee. A public hearing is required prior to issuance or denial of the Certificate of Appropriateness. The Design Review Committee reviewed the request at their August 26, 2010 meeting. The committee recommended that the Planning Commission approve a Certificate of Appropriateness for the parking lot improvements. Based on the staff report and the recommendation of the Design Review Committee, Staff recommends that the Planning Commission approve a Certificate of Appropriateness for the addition of striped parking for the property addressed 4843 South Poplar Street subject to conditions.

Alison Smith, Director for NeighborWorks in Murray City, stated that they are excited to be expanding their services into Murray City.

Ray Black asked about the NeighborWorks program. Ms. Smith responded that their business is a neighborhood revitalization community building organization and was founded 33 years ago. The majority of their work has been on the west side of Salt Lake City such as the Rose Park area. She stated they intend to do very low interest loans to individuals who typically may not qualify for loans to do rehab to their homes which will improve the neighborhoods in the city. She stated this partnership with Murray City was begun after Murray City conducted a housing study last year and one of the recommendations of the housing study was to partner with an organization such as NeighborWorks that has a proven track record for this type of work.

Mr. Harland stated that this item is a public hearing and asked for comments.

No comments were made by the public.

Ray Black made a motion to approve a Certificate of Appropriateness for the property at 4843 South Poplar Street subject to the following conditions:

1. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved. The plan shall show the required 10 feet of landscaping between the sidewalk and parking area.
2. The project shall meet all building and fire codes. Plans shall be provided for review to the City Building Department for the proposed wheelchair lift.
3. Meet all accessibility requirements for onsite sidewalks and parking.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

HAMLET DEVELOPMENT CORPORATION (Public Hearing) – Land Use Code
Amendment - Project #10-190

Michael Brodsky was the applicant present to represent this request. Tim Tingey reviewed the location and request for an ordinance text amendment to change the minimum first-floor ceiling height requirement for buildings located on Birkhill Boulevard north of Fireclay Avenue within the Transit Oriented Development zoning district. The applicant has requested the following amendment to section 17.168.080. (A). Underlined text indicates the text proposed by the applicant:

A. Main buildings, situated east of the UTA TRAX light rail lines or fronting principal streets, shall have first floors with a minimum ceiling height of twelve feet (12') measured from floor deck to floor deck, Except that live work townhomes fronting Birkhill Boulevard north of Fireclay Avenue may have first floors with a minimum ceiling height of ten (10) feet measured from floor deck to floor deck. For purposes of this section, main buildings shall not include townhouses.

Tim Tingey explained that the ordinance currently requires 12 foot ceilings for all main buildings located on principal streets east of the Trax lines. Principal streets are defined as Main Street, Fireclay Avenue, and Birkhill Boulevard. The ordinance exempts townhouses from the requirement for 12 foot ceilings. The applicant has requested the amendment specifically for Birkhill Boulevard and has limited the request to "live work townhomes." A live-work unit is currently not defined in the zoning ordinance, so staff has relied on the building code definition. The 2009 International Building Code defines a live work unit as "a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential unit that is operated by the tenant and shall comply with Sections 419.1 through 419.8." The building code requires that the nonresidential use is "limited to the first floor or main floor only" of the unit. The Director of Community and Economic Development has determined that live-work units do not qualify as townhouses based on the requirements for live-work units found in the International Building Code. Live-work units are required to be built to a different standard than a traditional townhouse because of the commercial nature of the first floor of the building. The International Residential Code requires various additional standards found in the International Building Code for live work units including additional sprinkler requirements and compliance with disabled person accessibility standards. Because of the commercial nature of the live-work units, the Director has determined that the exemption to the 12 foot ceiling height provided for townhouses cannot be applied to a live-work unit. Staff is recommending denial of this request.

The intent of the TOD ordinance is to allow for a mix of uses including residential, commercial, light industrial, and office uses. The twelve foot ceiling height was adopted in order to facilitate maximum flexibility in the types of uses that can be established on first floors of buildings that front principal streets. Eliminating the 12-foot ceiling height will provide less flexibility for potential commercial and office uses on the site. The 12 foot ceiling height requirement is also a design standard intended to create a different appearance for principal streets to distinguish them from the surrounding residential streets. Although the applicant's request is specifically for Birkhill Boulevard, approval of lower ceilings may lead to future requests by other property owners on other principal streets in the district that could undermine the vision for the principal streets in the TOD as unique and truly mixed use in nature. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested amendment to section 17.168.080 of the Transit Oriented Development zoning ordinance.

Karen Daniels asked about changing other units that do not front on principal streets. Tim Tingey stated that townhouses east of Trax that do not face principal streets could be changed.

Michael Brodsky, 308 East 4500 South, Suite 200, Murray, indicated that he is strongly opposed to staff's recommendation. He said that the ordinance states "For purposes of this section, main buildings shall not include townhouses." He stated that these are live-work townhouses which are reviewed under the IRC, which is a residential code for townhouses. He said that the corner unit was reviewed by the Building Department under the commercial code and that it was built differently. Mr. Brodsky stated that he doesn't disagree with that because the first floor of the corner unit exceeds 700 square feet and offers flexibility for a variety of commercial uses. He said that the interior live-work units have a live-work space on the first floor that is approximately 250 square feet, which is an appropriate size for a small commercial use such as an architect office or beauty salon. Mr. Brodsky stated that the reason he wants the ordinance changed is because of buyers' reaction to the homes. He said that the main negative response has been that there are too many stairs. He said that a 12 foot ceiling height results in 15 steps between the first and second floor. He stated that in this situation a 10 foot ceiling height would not negate from using the space for commercial. Mr. Brodsky said that he doesn't think the ceiling height will have any significant impact on the use of the space and that he's not asking for a change to buildings that face on a main street. He stated that he tried to make the ordinance very specific to the buildings on Birkhill Boulevard.

Karen Daniels stated that the 2009 International Building Code defines live-work as having a significant portion of the space as non-residential. She said that 200 square feet of residential space is very small and that she agrees with staff that the live-work unit is not a townhouse. Tim Tingey responded that in the building code standards these are differentiated from townhomes. He stated that townhomes are nice, but the city wishes to see units that are differentiated with the commercial space and having the flexibility with the additional ceiling height provides it to be more differentiated (a different type of unit and not just a townhome).

Tim Taylor asked what is considered as a significant amount of commercial, i.e. is 200 feet of 1,500 feet significant. He asked what types of uses would be in a 250 sq.ft. live-work unit. Tim Tingey cited examples such as an architectural office, law office, etc may occupy the live-work units. The issue with this proposal is the differentiation between townhomes and live-work units. He stated in his determination, live-work units are different and the city wishes to promote that mixed use feel and differentiating with the ceiling height is the only way that can be accommodated for a commercial feel, and is what the staff is recommending.

Tim Taylor asked for clarification regarding the definition of 10 or 12 foot ceiling heights. He stated that if the measurement is 12 feet from floor deck to floor deck, in reality the actually ceiling height would be closer to 10 feet to allow for the sub-flooring and framing materials. Mr. Tingey responded the current code is measured from floor deck to floor deck.

Michael Brodsky stated there are a few things that do differentiate these particular units that make the first floor space useable as commercial space and these differences are that they be barrier free, meaning the units be handicap accessible and secondly, that the change between a traditional townhouse and the live-work units is that they be fire sprinkled. Mr. Brodsky stated this proposal is an attempt to make the homes and the commercial space more habitable for the people who occupy them by changing the ceiling height from a 12 foot height deck to deck to a 10 foot height deck to deck. Mr. Brodsky stated the adjacent unit on the main floor that does not have the live-work space is not required to be fire sprinkled and it still has the 12 foot ceiling simply because architecturally it is difficult to lower the ceiling height. The reduction in height from 12 feet to 10 feet eliminates 3 stairs.

Tim Tingey stated that if a unit is a townhome, it is not required to have a 12 foot ceiling height, but the live-work units are required to have a 12 foot ceiling.

Tim Taylor asked if the townhomes units have an area on the lower level or is it just a hallway with stairs. Mr. Brodsky responded that architecturally it would be very challenging to make the transition in the building with different ceiling heights. He stated that a townhome does not require a fire suppression system nor handicap accessibility. He stated that townhomes have a two-hour fire wall between the units.

There were no public comments related to this item.

Karen Daniels made a motion that a negative recommendation be forwarded to the City Council for a Land Use Amendment to Section 17.168.080(A) for a change to the minimum first floor ceiling height for buildings located on Birkhill Boulevard north of Fireclay Avenue within the TOD zoning district. Seconded by Ray Black.

Call vote recorded by Ray Christensen.

A _____ Ms. Daniels
A _____ Mr. Harland
A _____ Mr. Taylor
A _____ Mr. Black
A _____ Ms. Van Bibber

Motion passed, 5-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development